

**EMPLOYMENT RIGHTS OF LESBIAN, GAY, BISEXUAL,
TRANSGENDER, AND QUESTIONING (LGBTQ)
PERSONS IN SRI LANKA: A COMPARATIVE ANALYSIS
WITH INDIA AND UNITED STATES OF AMERICA.**

By

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ABSTRACT

Employee rights for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) people are a rarely discussed topic in Sri Lanka, and the main reason for same is that Sri Lankan law does not recognize the legal status of LGBTQ people. LGBTQ employees remain silent when their rights are violated because they cannot petition authorities to protect the rights of a group whose existence is not recognized by law. All of these violations of LGBTQ employees' rights are the result of discrimination based on gender identity and sexual orientation. However, with the current LGBTQ movement in Sri Lanka and the Penal Code (Amendment) Bill, a positive attempt to recognize the LGBTQ community can be seen in Sri Lanka. Accordingly, simultaneously with the debate on the recognition of LGBTQ Community, it is necessary to discuss the topic of employment rights of LGBTQ persons, as their rights can be seen violated at every stage of employment due to discrimination. Further there is no specific legislation or judicial decision to protect LGBTQ employees against discrimination. As a result, a library-based study on employment rights of LGBTQ persons in Sri Lanka will be conducted, along with a comparison to Indian and American jurisdictions. This study will use a variety of secondary data sources to gather its data. To begin, the researcher will examine and analyze the legal protection provided to LGBTQ employees under Sri Lankan law, as well as whether that protection is adequate for fighting discrimination against LGBTQ employees. Second, the researcher compares the legal protections provided to LGBTQ workers in Sri Lanka to those in India and the United States. Although Sri Lankan law provides protection against discrimination, the researcher's findings show that there is no specific legislation in Sri Lanka including constitution and labour laws that recognizes gender identity and sexual orientation as non-discriminatory grounds. The comparative study, on the other hand, identifies progressive legislation, policies, judicial decisions, and mechanisms in the United States and India for the protection of LGBTQ employees' rights by eliminating discrimination against them. As a result, the researcher makes recommendations to eliminate discrimination against LGBTQ employees and to protect their rights. The researcher shares insights from the United States and India, both of which are ahead of Sri Lanka in eliminating discrimination against LGBTQ employees.

Key Words; *LGBTQ Employees, Discrimination, Gender Identity, Sexual Orientation*